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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,852	03/09/2001	David W. Piermattei	4690-1	7812

22442 7590 05/07/2002

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EXAMINER

KYLE, MICHAEL J

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 05/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/802,852

Applicant(s)

PIERMATTEI, DAVID W.

Examiner

Michael J Kyle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 6, 8, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Monk (U.S. Patent No. 3,837,190). With respect to claim 1, Monk discloses a key ring holder device comprising an extended post (18), having at least one aperture running transversely there through (38), and that the post (18) operatively connected to a shoulder (12), whereby when the device is affixed to a desired article (16) having an interior side and exterior side, such that the shoulder (12) is positioned on the interior side and the extended post (18) is extended to the exterior side, a user of the device can reversibly attach items to the device.
2. With respect to claim 6, Monk discloses that the post (18) and the shoulder (12) are connected to each other at a 90-degree angle.
3. With respect to claim 8, Monk discloses that the post (18) and the shoulder (12) are integral with each other (Col. 3, line 26).
4. With respect to claim 10, Monk discloses a key ring holder device comprising an extended post (18) having at least one aperture running transversely there through, a shoulder (12) having a center and being operatively connected to said post, the shoulder having a generally circular shape, the post connected at about the center of shoulder, and the post having a

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length approximately the same as the diameter of the shoulder (see Figure 1). The examiner considers the end of the shoulder where post (18) is located to be generally circular.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Monk in view of Heller (U.S. Patent No. 1,552,156). Monk recites of the limitations of claim 1 above, and further discloses a washer (50) that fits over the post for securing the device to the desired article. However, Monk does not disclose the desired article to be selected from the group consisting of a garment, a belt, a purse, and luggage.

Heller discloses a belt plate with an attachment that may be used to hold keys (Col. 2, line 3). Heller discloses the belt plate to affix to a desired article such that the shoulder (14) is positioned on an interior side of the desired article and the extended post (13) is extended to an exterior side of the desired article. Heller also discloses the desired article to be a belt, for the purpose allowing attached items to be carried in a pocket of the users clothing. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Monk as taught by Heller for the purpose of facilitating easy access to the keys for the person wearing the belt.

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6. Claims 3, 4, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monk in view of Wu (U.S. Patent No. 5,363,680). Monk recites all of the limitations from claim 1 above, but with respect to claim 3, does not disclose the post and the shoulder to be threadedly connected to each other.

Wu discloses a structure for a key chain in which a post (20, 21, 22, 23) is threadedly connected to a shoulder (10) for the purpose of allowing the post to be screwed into a plurality of main bodies. Therefore, it would have been obvious to one of ordinary skill art at the time of the invention to modify Monk as taught by Wu for the purpose of allowing the post to be detachable.

7. With respect to claim 4, Monk does not disclose the post have only one aperture there through. Wu discloses the post to have only one aperture, for the purpose of allowing only one key ring to be attached to the post (see Figures 1, 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Monk as taught by Wu for the purpose of allowing only one attachment to the post.

8. With respect to claim 7, Monk does not disclose that the post and the shoulder are connected to each other with a ball and socket connection. Wu discloses the use of a ball (231) and socket (201) connection for the purpose of allowing quick and easy removal/assembly of the post (23) from the shoulder (20). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Monk as taught by Wu for the purpose of having a flexible connection to limit the degree of extension.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Monk in view of Budreck (U.S. Patent No. 2,975,497). Monk recites all the limitations of claim 1 above, but does not disclose that at least one aperture is double counter sunk hole.

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Budreck discloses a key ring holder with at least one double counter sunk hole (48) for key chain clearance purposes. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Monk as taught by Budreck for the purpose of facilitating easy attachment and detachment of items through the aperture.

10. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Monk in view of Forrest (U.S. Patent No. 1,566,192). Monk recites all of the limitations of claim 1 above but does not disclose the shoulder to have a cavity provided therein which permits the shoulder to fit over a button.

Forrest discloses the shoulder to have a cavity (18) provided therein which permits the shoulder (16) to fit over a button for the purpose of securely fastening the key holder to an article. Therefore, it would have been obvious to one of ordinary skill in the art to modify Monk as taught by Forrest for the purpose of eliminating the use adhesives, holes, and rivets to attach the key ring holder to an article.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. The following references are cited to further show the state of the art with respect to key ring holders: Huang, Paugh, Parsons, Poutinen, and GB 2,222,360.

12. The following references are cited to further show the state of the art with respect to holding devices attached to apparel: Nielson et al., Sieger, Bate, Armentrout, and WO 91/11933.


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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Kyle whose telephone number is 703-305-3614. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9322 for regular communications and 703-872-9323 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

mk
May 1, 2002


Anthony Knight
Supervisory Patent Examiner
Tech Center 3600